

REMARKS

Following entry of the foregoing amendment, claims 1-6 are pending in the instant application. Support for amended claim 1 appears in at least claim 1 as originally filed. The foregoing amendment was made without any intention to abandon any subject matter, but with the intention that one or more claims of the same, lesser, or greater scope may be pursued in a later application or in a continuation, continuation-in-part, or divisional application. The present amendment does not add new matter. The sole basis for the Examiner's rejection of claims 1-6 is addressed below.

35 USC 112, first paragraph – Enablement

The Examiner rejected claims 1-6, drawn to a method for preventing, treating or ameliorating inflammation using (–)-hydroxycitric acid (HCA), pursuant to 35 U.S.C. § 112, first paragraph as non-enabled due to over breadth. Specifically, the Examiner alleges in the non-final office action dated November 16, 2005 that, while the specification enables treating or ameliorating inflammation, it does not reasonably provide enablement for preventing inflammation using HCA. (Office Action dated November 16, 2005; page 2, line 8-10). This rejection was maintained by the Examiner in the office action dated May 12, 2006 made final. This is the sole basis remaining for the rejection of claims 1-6.

Amended claim 1 is directed to a method of treating or ameliorating inflammation in an individual in need thereof which is comprised of administering orally an effective amount of (–)-hydroxycitric acid. Claims 2-6 depend from amended claim 1. The Applicant submits that the rejection of claims 1-6 pursuant to 35 U.S.C. § 112, first paragraph is moot in light of the foregoing amendment as claim 1 no longer recites a method of preventing inflammation. As such, the Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-6 pursuant to 35 U.S.C. § 112, first paragraph as non-enabled due to over breadth.

CONCLUSION

Applicant respectfully submits that the pending claims are in condition for allowance and respectfully request the same. If there are any questions regarding these remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

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Response dated August 8, 2006

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Respectfully submitted,



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